

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIA ELSOMINA ESCOBAR,
a/k/a Maria Mateo,
a/k/a Elsa Escobar,
[DOB: unknown]

Defendant.

No. _____

COUNT ONE

18 U.S.C. § 1001(a)(3)

(False Official Statement)

NMT 5 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

\$100 Mandatory Special Assessment

Class D Felony

COUNTS TWO, FOUR, and SIX

18 U.S.C. § 1028A

(Aggravated Identity Theft)

Mandatory 2 Years Imprisonment, Consecutive

NMT \$250,000 Fine

NMT 1 Year Supervised Release

\$100 Mandatory Special Assessment

Class E Felony

COUNT THREE

42 U.S.C. § 408(a)(7)(A)

(Use of a Fraudulently Obtained Social Security Number)

NMT 5 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

\$100 Mandatory Special Assessment

Class D Felony

COUNT FIVE

18 U.S.C. § 1344

(Bank Fraud)

NMT 30 Years Imprisonment

NMT \$1,000,000 Fine

NMT 5 Years Supervised Release

\$100 Mandatory Special Assessment

Class B Felony

COUNT SEVEN

18 U.S.C. § 1546

(Possession and Use of False Documents)

NMT 10 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

\$100 Mandatory Special Assessment

Class C Felony

Forfeiture Allegation

18 U.S.C. § 1001

18 U.S.C. § 1344

18 U.S.C. § 1546(a)

18 U.S.C. § 982(a)(3)(B)

18 U.S.C. § 982(a)(6)(A)

18 U.S.C. § 982(a)(8)(A) and (B)

Order of Restitution

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(False Official Statement)

On or about April 11, 2008, in the Western District of Missouri, the defendant, Maria Elsomina Escobar (a/k/a Maria Mateo, a/k/a Elsa Escobar), knowingly, willfully and intentionally made and caused to be made a false, fictitious, and fraudulent writing and document knowing it contained materially false and fraudulent statements and entry in a matter within the jurisdiction of the United States Department of Housing and Urban Development, in that she falsely represented her name was “Maria Mateo” on a Uniform Residential Loan Application, a document used to obtain a Federal Housing Administration (“FHA”) insured mortgage for

property located at 4225 Norledge Avenue, Kansas City, Missouri. This representation was completely false, as the defendant well knew, because she was not Maria Mateo.

All in violation of Title 18, United States Code, Section 1001(a)(3).

COUNT TWO
(Aggravated Identity Theft)

On or about April 11, 2008, in the Western District of Missouri, the defendant, Maria Elsomina Escobar (a/k/a Maria Mateo, a/k/a Elsa Escobar), did knowingly use, without lawful authority, one or more means of identification of another person, namely, the name and forged signature of Maria Mateo and a fraudulently obtained Social Security Account Number issued to Maria Mateo, during and in relation to a felony offense in violation of Title 18, United States Code, Section 1001(a)(3), to wit: making a false official statement, as detailed in Count One of this Indictment.

All in violation of Title 18, United States Code, Section 1028A.

COUNT THREE
(Use of a Fraudulently Obtained Social Security Number)

On or about April 11, 2008, in the Western District of Missouri, the defendant, Maria Elsomina Escobar (a/k/a Maria Mateo, a/k/a Elsa Escobar), for the purpose of obtaining something of value and for other purposes, knowingly, willfully, and with intent to deceive, used a Social Security Account Number (SSN: XXX-XX-2376) assigned to the defendant by the Commissioner of Social Security having obtained that Social Security Account Number on the basis of false information furnished to the Commissioner of Social Security by the defendant and any other person. Specifically, the defendant represented on a Uniform Residential Loan Application, a document used to obtain a Federal Housing Administration (“FHA”) insured

mortgage for property located at 4225 Norledge Avenue, Kansas City, Missouri, that her Social Security Number assigned by the Commissioner of Social Security was XXX-XX-2376. In fact, the Social Security Number of XXX-XX-2376 was assigned by the Commissioner of Social Security under the name of Maria Mateo based on the defendant's false representation to the Commissioner of Social Security that she was Maria Mateo.

All in violation of Title 42, United States Code, Section 408(a)(7)(A).

COUNT FOUR
(Aggravated Identity Theft)

On or about April 11, 2008, in the Western District of Missouri, the defendant, Maria Elsomina Escobar (a/k/a Maria Mateo, a/k/a Elsa Escobar), did knowingly use, without lawful authority, one or more means of identification of another person, namely, the name and forged signature of Maria Mateo and a fraudulently obtained Social Security Account Number issued to Maria Mateo, during and in relation to a felony offense in violation of Title 42, United States Code, Section 408(a)(7)(A), to wit: using a fraudulently obtained Social Security Account Number, as detailed in Count Three of this Indictment.

All in violation of Title 18, United States Code, Section 1028A.

COUNT FIVE
(Bank Fraud)

On or about April 11, 2008, the defendant, Maria Elsomina Escobar (a/k/a Maria Mateo, a/k/a Elsa Escobar), signed a Uniform Residential Loan Application, a document used to obtain a Federal Housing Administration ("FHA") insured mortgage for property located at 4225 Norledge Avenue, Kansas City, Missouri. North American Savings Bank, F.S.B., hereafter North American Savings Bank, was the lender.

FHA was and is under the Department of Housing and Urban Development (“HUD”). FHA plays a major role in supporting home ownership by setting underwriting standards for home mortgages for lower-and moderate-income families. It assists first-time home buyers and others who might not be able to meet down payment requirements for conventional loans by providing mortgage insurance to private lenders. To obtain an FHA-insured loan, a borrower must apply to a HUD-approved lender and meet certain requirements.

North American Savings Bank was a federal home loan bank and it is also insured by the Federal Deposit Insurance Act. In other words, it is a federally-insured institution and was a HUD-approved lender.

On or about April 11, 2008, the defendant, Maria Elsomina Escobar (a/k/a Maria Mateo, a/k/a Elsa Escobar), knowingly executed and attempted to execute a scheme to defraud and to obtain money owned by and under the custody or control of North American Savings Bank by means of false or fraudulent pretenses, representations, and promises.

It was part of the scheme and artifice that the defendant falsely represented her name and Social Security Number when applying for the loan with North American Savings Bank. Specifically, the defendant falsely represented on the Uniform Residential Loan Application that her name was “Maria Mateo.” The defendant also falsely represented that her Social Security Number was XXX-XX-2376. In fact, the Social Security Number of XXX-XX-2376 was assigned by the Commissioner of Social Security under the name of Maria Mateo based on the defendant’s false representation to the Commissioner of Social Security that she was Maria Mateo.

On or about April 11, 2008, in the Western District of Missouri, the defendant, Maria Elsomina Escobar (a/k/a Maria Mateo, a/k/a Elsa Escobar), did knowingly execute a scheme to defraud and to obtain money and funds owned by and under the custody and control of North American Savings Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, by means of material false and fraudulent representations, upon which North American Savings Bank relied when they approved and funded the loan.

On or about April 11, 2008, within the Western District of Missouri, the defendant, Maria Elsomina Escobar (a/k/a Maria Mateo, a/k/a Elsa Escobar), forged the signature of Maria Mateo on the Uniform Residential Loan Application that contained representations as to her name and Social Security Number that she knew were false. North American Savings Bank approved a loan to the defendant in the amount of approximately \$99,216. The approval of the loan to the defendant was made in reliance on the false and fraudulent representations made in the Uniform Residential Loan Application.

All in violation of Title 18, United States Code, Section 1344.

COUNT SIX
(Aggravated Identity Theft)

On or about April 11, 2008, in the Western District of Missouri, the defendant, Maria Elsomina Escobar (a/k/a Maria Mateo, a/k/a Elsa Escobar), did knowingly use, without lawful authority, one or more means of identification of another person, namely, the name and forged signature of Maria Mateo and a fraudulently obtained Social Security Account Number issued to Maria Mateo, during and in relation to a felony offense in violation of Title 18, United States Code, Section 1344, to wit: bank fraud, as detailed in Count Five of this Indictment.

All in violation of Title 18, United States Code, Section 1028A.

COUNT SEVEN

(Possession and Use of False Documents)

On or about December 31, 2012, within the Western District of Missouri, the defendant, Maria Elsomina Escobar (a/k/a Maria Mateo, a/k/a Elsa Escobar), did knowingly utter, use, and possess a document prescribed by statute or regulation for entry into or as evidence of authorized stay and employment in the United States, that is, a United States passport in the name of Maria Mateo, which the defendant knew to be procured by fraud and by a means of a false claim and statement, and otherwise unlawfully obtained and used that passport to identify herself to federal agents with Homeland Security Investigations and to bolster her claims that she was Maria Mateo and that she was a United States citizen. The passport was in the name of “Maria Mateo,” but the passport displayed a photograph of the defendant. The defendant is not Maria Mateo, and she obtained the passport by means of a false representation that she was Maria Mateo.

All in violation of Title 18, United States Code, Section 1546(a).

FORFEITURE ALLEGATION

The allegations of Counts One through Seven of this indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant has an interest, pursuant to the provisions of Title 18, United States Code, Sections 1001, 1344 and 1546(a), Title 18, United States Code, Sections 982(a)(3)(B), 982(a)(6)(A), and 982(a)(8)(A) and (B); and the procedures outlined in Title 21, United States Code, Section 853.

Upon conviction of any violation of Title 18, United States Code, Section 1001, the defendant shall forfeit to the United States any property, real or personal, which represents or is

traceable to the gross proceeds of such violation, directly or indirectly, pursuant to Title 18, United States Code, Section 982(a)(3)(B).

Upon conviction of any violation of Title 18, United States Code, Section 1344, the defendant shall forfeit to the United States any property, real or personal, used or intended to be used to commit and facilitate such violation, the gross proceeds of such violation, and any property traceable to such conveyance or proceeds pursuant to Title 18, United States Code, Sections 982(a)(8)(A) and (B).

Upon conviction of any violation of Title 18, United States Code, Section 1546(a), the defendant shall forfeit to the United States any property, real or personal, used or intended to be used to commit and facilitate such violation, the gross proceeds of such violation, and any property traceable to such conveyance or proceeds pursuant to Title 18, United States Code, Section 982(a)(8)(A).

The property subject to forfeiture includes, but is not limited to, the following:

A. Fraudulently Obtained Identification Documents

All identification documents seized from the defendant that relate to the defendant's alias, Maria Mateo. These identification documents include, but are not limited to, the following:

1. Missouri Drivers License in the name of Maria Mateo;
2. United States Passport in the name of Maria Mateo;
3. A Bank Midwest Debit Card in the name of Maria Mateo; and
4. A Puerto Rican Birth Certificate in the name of Maria Mateo.

B. Real Estate

All real estate fraudulently obtained by the defendant, including:

1. The real property located at 4225 Norledge Avenue, Kansas City, Missouri.

SUBSTITUTE ASSETS

If the property described above as being subject to forfeiture, as a result of any act or omission of the defendant,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b) to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property or to seek return of the property to the jurisdiction of the Court so that the property may be seized and forfeited.

All pursuant to the provisions of 18 U.S.C. §§ 1001, 1344 and 1546(a); 18 U.S.C. §§ 982(a)(3)(B), 982(a)(6)(A), and 982(a)(8)(A) and (B); and the procedures outlined in 21 U.S.C. § 853(p).

A TRUE BILL.

____4/2/13_____
DATE

____/s/ Boris A. Stancic_____
FOREPERSON OF THE GRAND JURY

____/s/ William A. Alford III_____
William A. Alford III
Special Assistant U.S. Attorney